



IFW/DAL
PATENT

Docket No.: 57909/391

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) :	Becker et al.)	Examiner:
)	To Be Assigned
Serial No. :	10/674,755)	
Cnfrm. No. :	5497)	Art Unit:
)	1616
Filed :	September 30, 2003)	
)	
For :	STRAIN SELECTION OF PNEUMOCOCCAL)	
	SURFACE PROTEINS)	

ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS
PURSUANT TO 37 CFR § 1.27(c)(1)

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.27(c)(1), applicants hereby notify the U.S. Patent and Trademark Office ("PTO") that small entity status is entitled to be asserted for the above-identified patent application. In particular, a license agreement between the assignee of the above-identified patent application, UAB Research Foundation ("UAB"), and a large entity company was terminated on August 31, 2004. An assignment for the parent case (U.S. Patent No. 6,638,516) to the subject patent application to UAB was recorded on May 5, 2000, at Reel 010788/Frame 0389 in the PTO. Since UAB is a small entity, and there are no licenses of the subject patent application to a large entity, the present patent application is entitled to small entity treatment.

Respectfully submitted,

Date: December 9, 2004

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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

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Dec 9, 2004
Date

Ruth R. Smith
Ruth R. Smith
Type or Print Name



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/674,755	
	Filing Date	September 30, 2003	
	First Named Inventor	Becker	
	Group Art Unit	1616	
	Examiner Name	To Be Assigned	
Total Number of Pages in This Submission	2	Attorney Docket Number	57909/391

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Notice to File Missing Parts/ Incomplete Application <input type="checkbox"/> A copy of the Notice to File Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Assertion of Entitlement to Small Entity Status
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Alice Y. Choi Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1508 Fax: (585) 263-1600
Signature	<i>Alice Y. Choi</i> Registration No. 45,758
Date	<i>December 9, 2004</i>

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<i>Dec 9, 2004</i> Date	<i>Ruth R. Smith</i> Signature Ruth R. Smith Typed or printed name